

1 The Honorable Marsha J. Pechman  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 TRAVIS MICKELSON, DANIELLE H. )  
12 MICKELSON, and the marital community ) No. C11-01445  
13 thereof, )  
14 Plaintiffs, ) DEFENDANTS CHASE HOME  
15 ) FINANCE, JPMORGAN CHASE  
16 ) BANK, MORTGAGE  
17 ) ELECTRONIC REGISTRATION  
18 ) SYSTEMS, INC., AND FEDERAL  
19 ) HOME LOAN MORTGAGE  
20 ) CORPORATION'S ANSWER  
21 ) AND AFFIRMATIVE DEFENSES  
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1 Defendants JPMorgan Chase Bank, N.A. (answering for itself and as successor by  
2 merger to Chase Home Finance, LLC); Mortgage Electronic Registration Systems, Inc.  
3 (“MERS”); and Federal Home Loan Mortgage Corporation (“Freddie Mac”) (collectively  
4 “Defendants”) answer Plaintiffs’ Amended Complaint as follows:

5 **I. ANSWER**

6 1.1. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
7 allegations in paragraph 1.1, and on that basis deny them.

8 1.2. Defendants deny the allegations in paragraph 1.2.

9 1.3. Defendants deny the allegations of paragraph 1.3.

10 1.4. The Court dismissed the claims asserted in paragraph 1.4 as against Defendants,  
11 rendering those allegations moot. To the extent an answer is required, Defendants deny the  
12 allegations in paragraph 1.4.

13 1.5. Defendants incorporate their answer to paragraph 1.4 as if fully stated here.

14 1.6. Defendants deny the allegations in paragraph 1.6 and deny the allegations in the  
15 footnote in paragraph 1.6.

16 2.1. Defendants lack sufficient information to admit or deny the truth of the allegations  
17 contained in paragraph 2.1 and on that basis deny them.

18 2.2. Defendants lack sufficient information to admit or deny the truth of the allegations  
19 contained in paragraph 2.2 that Plaintiffs “reside in the property which is the subject of their  
20 complaint,” and on that basis deny that allegation. Defendants otherwise admit the allegations  
21 in paragraph 2.2.

22 2.3. Defendants admit the allegations in paragraph 2.3.

23 2.4. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
24 allegations in the first sentence of paragraph 2.4, and on that basis deny those allegations.

25 Defendants admit the remaining allegations in paragraph 2.4.

26  
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1       2.4.1. To the extent the allegations in paragraph 2.4.1 purport to summarize a  
 2 document, the document speaks for itself. Defendants deny the allegations in paragraph 2.4.1  
 3 to the extent they do not fairly and accurately reflect the contents of that document.

4       2.5. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
 5 allegations in the first sentence of paragraph 2.5 and on that basis, deny those allegations.  
 6 Defendants admit the allegations in the second sentence of paragraph 2.5. Defendants admit  
 7 the documents listed in paragraph 2.5 were recorded in the office of the Auditor of Island  
 8 County, Washington.

9       2.5.1. The allegations in paragraph 2.5.1 serve to identify an exhibit to the Amended  
 10 Complaint, so no answer is required. To the extent an answer is required, Defendants respond  
 11 that the document speaks for itself.

12       2.5.2. Defendants incorporate their response to paragraph 2.5.1 as if fully stated here.

13       2.5.3. Defendants incorporate their response to paragraph 2.5.1 as if fully stated here.

14       2.5.4. Defendants incorporate their response to paragraph 2.5.1 as if fully stated here.

15       2.5.5. Defendants incorporate their response to paragraph 2.5.1 as if fully stated here.

16       2.6. Defendants admit that the property located at 426 Ezduzit Lane, Camano Island, WA  
 17 98282 (“the Property”) was sold at a nonjudicial foreclosure sale on March 25, 2011.

18 Defendants further admit that Freddie Mac bought the property at that sale. Defendants deny  
 19 any remaining factual allegations in paragraph 2.6.

20       2.7. Defendants admit that JPMorgan Chase Bank, N.A., holds the Note evidencing  
 21 Plaintiffs’ debt. Defendants further respond that on May 1, 2011, Chase Home Finance, LLC,  
 22 merged into JPMorgan Chase Bank, N.A., and no longer exists as a separate entity. *See* Dkt.  
 23 22 (Corporate Disclosure Statement). Defendants therefore refer to JPMorgan Chase Bank and  
 24 Chase Home Finance collectively as “Chase.” Defendants deny that Chase does business in the  
 25 State of Washington because RCW 23B.15.010(2)(g), (h), (k), excludes Chase’s actions as  
 26 alleged from the definition of conducting business. Defendants admit the allegations in the last  
 27

1 sentence of paragraph 2.7. Except as so admitted, Defendants deny the allegations in paragraph  
 2 2.7.

3 2.8. Defendants admit that Chase is a national banking association and a wholly owned  
 4 subsidiary of JPMorgan Chase & Co., but deny that Chase is conducting business in Island  
 5 County, Washington through the conduct alleged, because RCW 23B.15.010(2)(g), (h), (k),  
 6 excludes Chase's actions from the definition of conducting business. Defendants admit that  
 7 Chase holds the Note evidencing Plaintiffs' debt and serviced Plaintiffs' loan. Defendants  
 8 admit the allegations in the last sentence of paragraph 2.8.

9 2.9. Defendants admit the allegations in the first sentence of paragraph 2.9, but deny the  
 10 allegations in the footnote following the first sentence of paragraph 2.9. Defendants deny the  
 11 allegations in the second sentence of paragraph 2.9. Responding to the allegations in the third  
 12 sentence of paragraph 2.9, Defendants answer that in its Order Granting Defendants' Motion to  
 13 Dismiss, the Court found that MERS is a valid "nominee" and "beneficiary" under Plaintiffs'  
 14 Deed of Trust. *See* Dkt. 58. Defendants admit the allegations in the last sentence of paragraph  
 15 2.9.

16 2.9.1. The Court's Order Granting Defendants Motion to Dismiss moots Plaintiffs  
 17 allegations in paragraph 2.9.1, *see* Dkt. 58, so no response is required.

18 2.9.2. Defendants incorporate their answer to paragraph 2.9.1 as if fully stated here.  
 19 Defendants further respond that the allegations in paragraph 2.9.2 purport to reach a legal  
 20 conclusion, to which no response is required. To the extent an answer is required, Defendants  
 21 deny the allegations in paragraph 2.9.2.

22 2.9.3. Defendants incorporate their answer to paragraph 2.9.1 as if fully stated here.  
 23 Defendants further respond that MERS's method of compensation has no bearing on the  
 24 remaining claims in this case. To the extent a response is required, Defendants admit the  
 25 allegations in paragraph 2.9.3.

26  
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1 2.10. Defendants deny that, based on the conduct alleged, Freddie Mac is doing business in  
 2 Island County, Washington, as RCW 23B.15.010(2)(g), (h), (k), excludes Freddie Mac's  
 3 actions from the definition of conducting business. Defendants otherwise admit the allegations  
 4 in the first sentence of paragraph 2.10. Defendants deny that, with respect to Plaintiffs' loan,  
 5 that Freddie Mac held the Note, and affirmatively respond that it purchased and owned the loan  
 6 at issue. Defendants admit the last sentence of paragraph 2.10. Defendants deny the remaining  
 7 allegations of paragraph 2.10.

8 2.10.1. Defendants deny the allegations in paragraph 2.10.1.

9 2.10.2. Defendants deny the allegations in paragraph 2.10.2.

10 2.10.3. Defendants respond that the Court's Order Granting Defendants' Motion to  
 11 Dismiss moots the allegations in paragraph 2.10.3, which appear to relate to Freddie Mac's  
 12 status as a bona fide purchaser, so no response is required. To the extent a response is required,  
 13 Defendants admit the allegations in paragraph 2.10.3.

14 2.11. Defendants admit that in June 2006, Chase became the servicer for Plaintiffs' loan and  
 15 holder of Plaintiffs' Note. Defendants further admit that by June 2006, Freddie Mac had  
 16 purchased and owned the loan, but did not hold the endorsed Note (Chase held the Note).  
 17 Except as so admitted, Defendants deny the allegations in paragraph 2.11.

18 2.12. Defendants lack sufficient information to admit or deny the truth of the allegations in  
 19 the first sentence of paragraph 2.12, and on that basis deny them. Defendants admit that Routh  
 20 Crabtree Olsen appeared through Heidi E. Buck a lawyer employed by Routh Crabtree Olsen.  
 21 The allegations in the third sentence of paragraph 2.12 are legal conclusion to which no  
 22 response is required. To the extent a response is required, Defendants deny that inclusion of  
 23 debt validation notice in correspondence is an admission that the conduct at issue is debt  
 24 collection and thus denies allegations in the third sentence of paragraph 2.12. Defendants lack  
 25 sufficient information to admit or deny the truth of the allegations in the fourth sentence of  
 26 paragraph 2.12, and on that basis deny them. Defendants deny the allegations in the fifth

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1 sentence of paragraph 2.12. Except as so admitted, Defendants deny the remaining allegations  
2 in paragraph 2.12.

3 2.13. Defendants lack sufficient information to admit or deny the truth of the allegations in  
4 the first sentence of paragraph 2.13, and on that basis deny them. Defendants also deny that  
5 Jeff Stenman was a “substitution trustee robo signer.” Defendants admit that Jeff Stenman was  
6 an employee of Defendant Northwest Trustee Services. Except as so admitted, Defendants  
7 deny the remaining allegations in paragraph 2.13.

8 2.14. Defendants lack sufficient information to admit or deny the truth of the allegations in  
9 the first sentence of paragraph 2.14, and on that basis deny them. Defendants also deny that  
10 Vonnie McElligott is a “robo signer.” Defendants admit that Vonnie McElligott was an  
11 employee of Defendant Northwest Trustee Services. Except as so admitted, Defendants deny  
12 the remaining allegations in paragraph 2.14.

13 2.15. Defendants lack sufficient information to admit or deny the truth of the allegations in  
14 paragraph 2.15, and on that basis deny them.

15 2.16. Defendants deny the allegations in paragraph 2.16.

16 2.18. The allegations in paragraph 2.18 are legal conclusions to which no response is  
17 required. To the extent a response is required, Defendants admit that this court has jurisdiction  
18 under 28 U.S.C. §§ 1331 and 1367. Defendants lack sufficient information to admit or deny the  
19 truth of the allegations in paragraph 2.18 as to Plaintiffs’ residence, and on that basis deny  
20 them. Defendants deny the remaining allegations in paragraph 2.18.

21 3.1. Defendants incorporate their answers to all preceding paragraphs of Plaintiffs’  
22 Complaint as if set forth here.

23 3.2. Defendants admit that Plaintiffs obtained a loan to purchase the Property on November  
24 22, 2005, but lack sufficient information to admit or deny the truth of the remaining allegations  
25 in paragraph 3.2 and on that basis, deny them.

1       3.3. Responding to the allegations in the first sentence of paragraph 3.3, Defendants answer  
 2 that the Promissory Note Plaintiffs executed on November 22, 2005, speaks for itself. If a  
 3 response is required, Defendants deny the allegations in the first sentence of paragraph 3.3 to  
 4 the extent they do not accurately reflect the contents of the document. Defendants lack  
 5 sufficient information to admit or deny the truth of the allegations in the second sentence of  
 6 paragraph 3.3, and on that basis deny them. Defendants deny the remaining allegations in  
 7 paragraph 3.3.

8       3.4. Defendants deny the allegations in paragraph 3.4.

9       3.5. Defendants deny the allegations in paragraph 3.5.

10      3.6. Defendants admit that Plaintiffs executed a Deed of Trust and further respond that the  
 11 Deed of Trust speaks for itself. If a response is required, Defendants deny the allegations in  
 12 paragraph 3.6 to the extent they do not accurately reflect the contents of the document.

13      3.7. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 14 paragraph 3.7, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 15 Defendants admit the allegations in paragraph 3.7.

16      3.8. Defendants deny the allegations in paragraph 3.8.

17       3.8.1. Defendants deny the allegations in paragraph 3.8.1.

18       3.8.2. Defendants deny the allegations in paragraph 3.8.2.

19       3.8.3. Defendants deny the allegations in paragraph 3.8.3.

20       3.8.3. Defendants deny the allegations in the second paragraph numbered 3.8.3.

21       3.8.4. Defendants deny the allegations in paragraph 3.8.4.

22       3.8.5. Defendants deny the allegations in paragraph 3.8.5.

23       3.8.6. Defendants deny the allegations in paragraph 3.8.6.

24      3.9. In its Order Granting Defendants' Motion to Dismiss, the Court found that MERS is a  
 25 valid "nominee" and "beneficiary" under Plaintiffs' Deed of Trust, mooting the allegations in  
 26

1 paragraph 3.9. *See* Dkt. 58. To the extent a response is required, Defendants deny the  
 2 allegations in paragraph 3.9.

3 3.9.1. Defendants deny the allegations in paragraph 3.9.1.

4 3.9.2. Defendants deny the allegations in paragraph 3.9.2.

5 3.9.3. Defendants deny the allegations in paragraph 3.9.3.

6 3.9.4. Defendants deny the allegations in paragraph 3.9.4.

7 3.10. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 8 paragraph 3.10, so no response is required. To the extent a response is required, Defendants  
 9 admit that *Bain v. Metropolitan Mortgage Group Inc., et al.*, Wash. Supreme Court No. 86206-  
 10 1 (June 24, 2011), and *Selkowitz v. Litton Loan Servicing, LP, et al.*, Wash. Supreme Court No.  
 11 86207-9 (July 27, 2010), are currently pending before the Washington Supreme Court.

12 Defendants otherwise deny the allegations in paragraph 3.10.

13 3.11. Defendants deny the allegations in paragraph 3.11.

14 3.12. Defendants admit the allegations in paragraph 3.12.

15 3.13. Defendants admit that between December 2005 and June 2006, MortgageIt, Inc.,  
 16 GMAC Mortgage, LLC, and Chase serviced Plaintiffs' loan. Except as so admitted,  
 17 Defendants deny the allegations in paragraph 3.13.

18 3.14. Defendants deny the allegations in paragraph 3.14.

19 3.15. Defendants deny the allegations in paragraph 3.15.

20 3.16. Defendants respond that the Limited Power of Attorney speaks for itself. *See* Compl.,  
 21 Ex. C [Dkt. 29-1]. To the extent a response is required, Defendants admit that in October 2005,  
 22 Chase recorded a Limited Power of Attorney appointing Northwest Trustee Services employees  
 23 Jeff Stenman and Vonnie McElligott, and Routh Crabtree employees Stephen D. Routh and  
 24 Lance E. Olsen, among others, as attorneys-in-fact for purposes of default-servicing duties. *Id.*  
 25 Defendants further admit that the name Ryan L. Reitmajer, Sr., appears on the signature line,  
 26 above the title assistant secretary. Except as so admitted, Defendants deny the allegations in

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1 paragraph 3.16.

2 3.17. Defendants respond that the Appointment of Successor Trustee speaks for itself.  
 3 Compl., Ex. E [Dkt. 29-1]. To the extent a response is required, Defendants admit the  
 4 allegations in the first sentence of paragraph 3.17. Defendants further admit that the document  
 5 bears the date September 18, 2008. Defendants admit that Jeff Stenman was an employee of  
 6 Northwest Trustee Services. Defendants lack sufficient information to form a belief as to the  
 7 truth or falsity of the allegation regarding Rhea S. Prea and on that basis, deny the allegation.  
 8 Except as so admitted, Defendants deny the allegations in paragraph 3.17.

9 3.18. Defendants respond that the Assignment of Deed of Trust speaks for itself. Compl., Ex.  
 10 D [Dkt. 29-1]. To the extent a response is required, Defendants admit the allegations in the  
 11 first and second sentences of paragraph 3.18. Defendants admit that Vonnie McElligott was an  
 12 employee of Northwest Trustee Services. Defendants lack sufficient information to form a  
 13 belief as to the truth or falsity of the allegation regarding Rhea S. Prea and on that basis, deny  
 14 the allegation. Except as so admitted, Defendants deny the allegations in paragraph 3.18.

15 3.19. Defendants deny the allegations in paragraph 3.19.

16 3.20. Defendants deny the allegations in paragraph 3.20.

17 3.21. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
 18 allegations in paragraph 3.21 and on that basis, deny them.

19 3.22. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
 20 allegations in paragraph 3.22 and on that basis, deny them.

21 3.23. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
 22 allegations in the first four sentences and the sixth sentence of paragraph 3.23 and on that basis,  
 23 deny those allegations. Defendants admit that notice of default, notice of foreclosure, and  
 24 notice of trustee's sale were issued by Defendant Northwest Trustee Service, as reflected in  
 25 Exhibit F to the Complaint. [Dkt. 29-1]. Defendants further respond that those documents  
 26 speak for themselves. Defendants deny the remaining allegations in paragraph 3.23.

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1 3.24. Defendants respond that the Assignment of Deed of Trust and the Appointment of  
 2 Successor Trustee speak for themselves. *See* Compl., Exs. D, E [Dkt. 29-1]. To the extent a  
 3 response is required, Defendants deny the allegations in paragraph 3.24.

4 3.25. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 5 paragraph 3.25, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 6 Defendants deny the allegations in the first sentence of paragraph 3.25. Defendants further  
 7 respond that the untimely Loan Modification Agreement speaks for itself.

8 3.26. Defendants admit that because Plaintiffs still had not cured their default, Northwest  
 9 Trustee Services recorded a new Notice of Trustee's Sale in September 2010. Except as so  
 10 admitted, Defendants deny the allegations in paragraph 3.26.

11 3.27. Defendants deny the allegations in paragraph 3.27.

12 3.28. Defendants admit the allegations in the first sentence of paragraph 3.28. The Court's  
 13 Order Granting Defendants' Motion to Dismiss moots the allegations in the second sentence of  
 14 paragraph 3.28, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 15 Defendants deny the allegations in the second sentence of paragraph 3.28. Defendants also  
 16 respond that the Trustee's Deed speaks for itself. *See* Compl., Ex. T [Dkt. 29-11]. To the  
 17 extent a response is required, Defendants admit the Trustee's Deed was dated March 30, 2011.  
 18 Except as so admitted, Defendants deny the allegations in paragraph 3.28.

19 3.29. Defendants deny the allegations in paragraph 3.29.

20 3.30. Defendants respond that the unlawful detainer action filings speak for themselves. *See*  
 21 Compl., Ex. U [Dkt. 29-11]. To the extent a response is required, Defendants admit that  
 22 Freddie Mac filed an unlawful detainer action in July 2011. Except as so admitted, Defendants  
 23 deny the allegations in paragraph 3.30.

24 3.31. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 25 paragraph 3.31, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 26 Defendants lack sufficient information to form a belief as to the truth or falsity of the

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1 allegations in the first sentence of paragraph 3.31 and on that basis deny them. Defendants  
2 deny the allegations in the second sentence of paragraph 3.31.

3 3.32. Defendants admit that Plaintiffs sought loan modification, but otherwise deny the  
4 allegations in paragraph 3.32.

5 3.33. Defendants respond that any letter purportedly written by Greg Gilday speaks for itself.  
6 To the extent a response is required, Defendants deny the allegations in paragraph 3.33.

7 3.34. Defendants respond that Chase's letter dated April 20, 2011, speaks for itself. To the  
8 extent a response is required, Defendants admit that Chase sent Plaintiffs a letter dated April  
9 20, 2011, stating Chase had received an inquiry on March 29, 2011, and was researching the  
10 concern. Except as so admitted, Defendants deny the allegations in paragraph 3.34.

11 3.35. Defendants respond that Chase's letter dated April 29, 2011, speaks for itself. To the  
12 extent a response is required, Defendants deny the allegations in paragraph 3.35.

13 3.36. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
14 allegations in paragraph 3.36 and on that basis, deny them.

15 3.37. Defendants respond that Chase's letter dated May 16, 2011, speaks for itself. To the  
16 extent a response is required, Defendants deny the allegations in paragraph 3.37.

17 3.38. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
18 allegations in paragraph 3.38 and on that basis, deny them.

19 3.39. Defendants respond that Chase's letter dated May 25, 2011, speaks for itself. To the  
20 extent a response is required, Defendants admit that Chase sent Gregory L. Gilday a letter dated  
21 May 25, 2011, stating a modification was not offered to Plaintiffs and the home was sold at a  
22 foreclosure sale on March 25, 2011. Except as so admitted, Defendants deny the allegations in  
23 paragraph 3.39.

24 4.1. Defendants incorporate their responses to paragraphs 1.1 through 3.39 as if fully stated  
25 here.

1     4.2.   The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 2     paragraph 4.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 3     Defendants deny the allegations in paragraph 4.2.

4     5.1.   Defendants incorporate their responses to paragraphs 1.1 through 4.42 as if fully stated  
 5     here.

6     5.2.   The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 7     paragraph 5.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 8     Defendants admit that the copy of the Note attached to the Complaint does not bear its  
 9     subsequent endorsement, but otherwise deny the allegations in paragraph 5.2.

10    5.3.   The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 11    paragraph 5.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 12    Defendants respond that the allegations in paragraph 5.3 are legal conclusions to which no  
 13    response is required. Defendants further respond that RCW 62A.3-201 speaks for itself.

14    5.4.   The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 15    paragraph 5.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 16    Defendants deny the allegations in paragraph 5.4.

17    5.5.   The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 18    paragraph 5.5, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 19    Defendants deny the allegations in paragraph 5.5.

20        5.5.1.   The Court's Order Granting Defendants' Motion to Dismiss moots the  
 21        allegations in paragraph 5.5.1, so no response is required. *See* Dkt. 58. To the extent a  
 22        response is required, Defendants deny the allegations in paragraph 5.5.1.

23        5.5.2.   The Court's Order Granting Defendants' Motion to Dismiss moots the  
 24        allegations in paragraph 5.5.1, so no response is required. *See* Dkt. 58. To the extent a  
 25        response is required, Defendants admit Chase holds Plaintiffs' original Note.

26  
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1 5.6. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 2 paragraph 5.6, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 3 Defendants respond that the allegations in paragraph 5.6 are legal conclusions to which no  
 4 response is required. To the extent a response is yet required, Defendants deny the allegations  
 5 in paragraph 5.6.

6 5.7. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 7 paragraph 5.7, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 8 Defendants admit that Chase holds Plaintiffs' Note. Except as so admitted, Defendants deny  
 9 the allegations in paragraph 5.7.

10 5.8. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 11 paragraph 5.8, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 12 Defendants deny the allegations in paragraph 5.8.

13 6.1. Defendants incorporate their responses to paragraphs 1.1 through 5.8 as if fully stated  
 14 here.

15 6.2. The allegations in paragraph 6.2 are legal conclusions to which no response is required.  
 16 To the extent a response is required, Defendants respond that RCW 61.24.005 speaks for itself.  
 17 Defendants further respond that the Court's Order Granting Defendants' Motion to Dismiss  
 18 moots the allegations in paragraph 6.2.

19 6.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 20 paragraph 6.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 21 Defendants deny the allegations in paragraph 6.3.

22 6.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 23 paragraph 6.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 24 Defendants respond that RCW 61.24.005(2) speaks for itself.

25 6.5. In its Order Granting Defendants' Motion to Dismiss, the Court found that MERS is a  
 26 valid beneficiary under Plaintiffs' Deed of Trust, mooting the allegations in paragraph 6.5. *See*

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1 Dkt. 58. To the extent a response is required, Defendants respond that Plaintiffs' Deed of Trust  
2 speaks for itself and otherwise deny the allegations in paragraph 6.5.

3 6.6. In its Order Granting Defendants' Motion to Dismiss, the Court found that MERS is a  
4 valid beneficiary under Plaintiffs' Deed of Trust, mooting the allegations in paragraph 6.6. *See*  
5 Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 6.6.

6 6.6.1. Defendants incorporate their response to paragraph 6.6 as if fully stated here.  
7 Defendants otherwise deny the allegations in paragraph 6.6.1.

8 6.6.2. Defendants deny the allegations in paragraph 6.6.2.

9 6.6.3. The Court's Order Granting Defendants' Motion to Dismiss moots the  
10 allegations in paragraph 6.6.3, so no response is required. To the extent a response is required,  
11 Defendants admit the allegations in paragraph 6.6.3.

12 6.6.4. Defendants incorporate their response to paragraph 6.6 as if more fully stated  
13 here. Defendants otherwise deny the allegations in paragraph 6.6.4.

14 6.7. Defendants deny the allegations in paragraph 6.7.

15 6.8. The Court found the Deed of Trust lawful, rendering the allegations in paragraph 6.8  
16 moot. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in  
17 paragraph 6.8.

18 6.9. The Court found that MERS is a valid "nominee" and "beneficiary" under Plaintiffs'  
19 Deed of Trust, rendering the allegations in paragraph 6.9 moot. *See* Dkt. 58. To the extent a  
20 response is required, Defendants deny the allegations in paragraph 6.9.

21 6.10. Defendants deny the allegations in paragraph 6.10.

22 6.11. The Courts' Order Granting Defendants' Motion to Dismiss moots the allegations in  
23 paragraph 6.11. The allegations in paragraph 6.11 are also legal conclusions to which no  
24 response is required. To the extent a response is required, Defendants deny the allegations in  
25 paragraph 6.11.

1 6.12. The Court found MERS a valid “beneficiary” under Plaintiffs’ Deed of Trust, rendering  
 2 the allegations in paragraph 6.12 moot. *See* Dkt. 58. To the extent a response is required,  
 3 Defendants respond that Plaintiffs’ Deed of Trust speaks for itself. Defendants otherwise deny  
 4 the allegations in paragraph 6.12.

5 6.13. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in  
 6 paragraph 6.13, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 7 Defendants deny the allegations in paragraph 6.13.

8 6.14. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in  
 9 paragraph 6.14, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 10 Defendants deny the allegations in paragraph 6.14.

11 6.15. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in  
 12 paragraph 6.15, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 13 Defendants respond that Plaintiffs’ Deed of Trust speaks for itself. Defendants otherwise deny  
 14 the allegations in paragraph 6.15 to the extent they suggest emphasis or intent contrary to the  
 15 plain language of the Deed of Trust.

16 6.16. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in  
 17 paragraph 6.16, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 18 Defendants deny the allegations in paragraph 6.16.

19 6.17. The Court found MERS is a valid “nominee” and “beneficiary” under Plaintiffs’ Deed  
 20 of Trust, rendering the allegations in paragraph 6.17 moot. *See* Dkt. 58. To the extent a  
 21 response is required, Defendants deny the allegations in paragraph 6.17.

22 6.18. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in  
 23 paragraph 6.18, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 24 Defendants deny the allegations in paragraph 6.18.

25 6.19. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in  
 26 paragraph 6.19, so no response is required. *See* Dkt. 58. To the extent a response is required,

1 Defendants deny the allegations in paragraph 6.19.

2 6.20. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
3 paragraph 6.20, so no response is required. *See* Dkt. 58. To the extent a response is required,  
4 Defendants deny the allegations in paragraph 6.20.

5 6.21. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
6 paragraph 6.21, so no response is required. *See* Dkt. 58. To the extent a response is required,  
7 Defendants deny the allegations in paragraph 6.21.

8 6.22. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
9 paragraph 6.22, so no response is required. *See* Dkt. 58. To the extent a response is required,  
10 Defendants deny the allegations in paragraph 6.22.

11 6.23. Defendants deny the allegations in paragraph 6.23.

12 6.24. Defendants admit that Chase holds Plaintiffs' original Note. Except as so admitted,  
13 Defendants deny the allegations in paragraph 6.24.

14 6.25. Defendant responds that RCW 61.24.010 speaks for itself. If a response is required,  
15 Defendants deny the allegations in paragraph 6.25 to the extent they do not accurately reflect  
16 the text of RCW 61.24.010.

17 6.26. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
18 allegations in paragraph 6.26 and on that basis, deny them.

19 6.27. Defendants admit that a Limited Power of Attorney was recorded on October 28, 2005,  
20 in the Island County Auditor's office under recording No. 4152512. Except as so admitted,  
21 Defendants deny the allegations in paragraph 6.27.

22 6.28. The allegations in paragraph 6.28 are legal conclusions to which no response is  
23 required. Defendants further respond that the Court's Order Granting Defendants' Motion to  
24 Dismiss moots the allegations in paragraph 6.28, so no response is required. *See* Dkt. 58. To  
25 the extent a response is required, Defendants deny the allegations in paragraph 6.28.

26 6.29. The allegations in paragraph 6.29 are legal conclusions to which no response is

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1 required. To the extent a response is required, Defendants deny the allegations in paragraph  
2 6.29.

3 6.30. The allegations in paragraph 6.30 are legal conclusions to which no response is  
4 required. To the extent a response is required, Defendants deny the allegations in paragraph  
5 6.30.

6 6.31. Defendants admit that an Appoint of Successor Trustee was recorded on September 19,  
7 2008. Defendants further respond that document speaks for itself. Defendants further admit  
8 that the Limited Power of Attorney speaks for itself. To the extent the allegations in paragraph  
9 6.31 do not accurately reflect the contents of those documents, Defendants deny the allegations.  
10 Except as so admitted, Defendants deny the allegations in paragraph 6.31.

11 6.32. Defendants deny the allegations in paragraph 6.32.

12 6.33. Defendants respond that Plaintiffs' Deed of Trust speaks for itself. To the extent the  
13 allegations in paragraph 6.33 do not accurately reflect the contents of that document,  
14 Defendants deny the allegations.

15 6.34. Defendants deny the allegations contained in paragraph 6.34.

16 6.35. The allegations in paragraph 6.35 are legal conclusions to which no response is  
17 required. To the extent a response is required, Defendants deny the allegations in paragraph  
18 6.35.

19 6.36. Defendants deny the allegations in paragraph 6.36.

20 6.37. Defendants deny the allegations in paragraph 6.37.

21 6.38. Defendants deny the allegations in paragraph 6.38.

22 6.39. Defendants deny the allegations in paragraph 6.39.

23 6.40. Defendants deny the allegations in paragraph 6.40.

24 6.41. Defendants deny the allegations in paragraph 6.41.

25 6.42. Defendants deny the allegations in paragraph 6.42.

26 6.42.1. Defendants deny the allegations in paragraph 6.42.1.

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1       6.42.2. The allegations in paragraph 6.42.2 are legal conclusions to which no response  
2 is required. To the extent a response is required, Defendants deny the allegations in paragraph  
3 6.42.2.

4       6.42.3. The allegations in paragraph 6.42.3 are legal conclusions to which no response  
5 is required. To the extent a response is required, Defendants deny the allegations in paragraph  
6 6.42.3.

7       6.42. The allegations in the second paragraph numbered 6.42 are legal conclusions to which  
8 no response is required. To the extent a response is required, Defendants deny the allegations  
9 in paragraph 6.42.

10      6.43. Defendants deny the allegations in paragraph 6.43.

11      6.44. Defendants deny the allegations in paragraph 6.44.

12      6.45. Defendants deny the allegations in paragraph 6.45.

13      6.46. Defendants deny the allegations in paragraph 6.46.

14      6.47. Defendants deny the allegations in paragraph 6.47.

15      6.48. Defendants respond that RCW 61.24.030 speaks for itself. To the extent the allegations  
16 in paragraph 6.48 do not accurately reflect the language of RCW 61.24.030, Defendants deny  
17 the allegations.

18      6.49. Defendants respond that RCW 61.24.030(7)(a) speaks for itself. To the extent the  
19 allegations in paragraph 6.49 do not accurately reflect the language of RCW 61.24.030(7)(a),  
20 Defendants deny the allegations.

21      6.50. Defendants deny the allegations in paragraph 6.50.

22      6.51. Defendants deny the allegations in paragraph 6.51.

23      6.52. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
24 paragraph 6.52, so no response is required. *See* Dkt. 58. To the extent a response is required,  
25 Defendants deny the allegations in paragraph 6.52.

26      6.53. Defendants deny the allegations in paragraph 6.53.

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1 6.54. Defendants deny the allegations in paragraph 6.54.

2 6.55. Defendants respond that RCW 61.24.070 speaks for itself. To the extent the allegations  
3 in paragraph 6.55 do not accurately reflect the language of RCW 61.24.070, Defendants deny  
4 the allegations.

5 6.56. The allegations in paragraph 6.56 are legal conclusions to which no response is  
6 required. To the extent a response is required, Defendants admits the allegations in paragraph  
7 6.56.

8 6.57. Defendants deny the allegations in paragraph 6.57.

9 6.58. The allegations in paragraph 6.58 are legal conclusions to which no response is  
10 required. To the extent a response is required, Defendants deny the allegations in paragraph  
11 6.56.

12 6.59. Defendants deny the allegations in paragraph 6.59.

13 6.60. Defendants deny the allegations in paragraph 6.60.

14 6.61. Defendants deny the allegations in paragraph 6.61.

15 6.62. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
16 paragraph 6.62, so no response is required. *See* Dkt. 58. To the extent a response is required,  
17 Defendants deny the allegations in paragraph 6.62.

18 6.63. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
19 paragraph 6.63, so no response is required. *See* Dkt. 58. To the extent a response is required,  
20 Defendants deny the allegations in paragraph 6.63.

21 6.64. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
22 paragraph 6.64, so no response is required. *See* Dkt. 58. To the extent a response is required,  
23 Defendants deny the allegations in paragraph 6.64.

24 7.1. Defendants incorporate their responses to paragraphs 1.1 through 6.64 as if fully stated  
25 here.

26  
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1 7.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
2 paragraph 7.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
3 Defendants deny the allegations in paragraph 7.2.

4 7.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
5 paragraph 7.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
6 Defendants deny the allegations in paragraph 7.3.

7 8.1. Defendants incorporate their responses to paragraphs 1.1 through 7.3 above as if fully  
8 stated here.

9 8.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
10 paragraph 8.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
11 Defendants deny the allegations in paragraph 8.2.

12 8.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
13 paragraph 8.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
14 Defendants deny the allegations in paragraph 8.3.

15 8.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
16 paragraph 8.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
17 Defendants deny the allegations in paragraph 8.4.

18 8.5. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
19 paragraph 8.5, so no response is required. *See* Dkt. 58. To the extent a response is required,  
20 Defendants deny the allegations in paragraph 8.5.

21 9.1. Defendants incorporate their responses to paragraphs 1.1 through 8.5 as if fully stated  
22 here.

23 9.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
24 paragraph 9.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
25 Defendants deny the allegations in paragraph 9.2.

1 9.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 2 paragraph 9.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 3 Defendants deny the allegations in paragraph 9.3.

4 9.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 5 paragraph 9.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 6 Defendants deny the allegations in paragraph 9.4.

7 10.1. Defendants incorporate their responses to paragraphs 1.1 through 9.4 as if fully stated  
 8 here.

9 10.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 10 paragraph 10.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 11 Defendants deny the allegations in paragraph 10.2.

12 10.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 13 paragraph 10.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 14 Defendants deny the allegations in paragraph 10.3.

15 10.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 16 paragraph 10.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 17 Defendants deny the allegations in paragraph 10.4.

18 10.5. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 19 paragraph 10.5, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 20 Defendants deny the allegations in paragraph 10.5.

21 10.6. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 22 paragraph 10.6, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 23 Defendants deny the allegations in paragraph 10.6.

24 10.7. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 25 paragraph 10.7, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 26 Defendants deny the allegations in paragraph 10.7.

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1 10.8. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 2 paragraph 10.8, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 3 Defendants deny the allegations in paragraph 10.8.

4 10.9. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 5 paragraph 10.9, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 6 Defendants deny the allegations in paragraph 10.9.

7 10.10. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 8 paragraph 10.10, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 9 Defendants deny the allegations in paragraph 10.10.

10 10.11. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 11 paragraph 10.11, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 12 Defendants deny the allegations in paragraph 10.11.

13 10.12. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 14 paragraph 10.12, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 15 Defendants deny the allegations in paragraph 10.12.

16 11.1. Defendants incorporate their responses to paragraphs 1.1 through 10.12 as if fully stated  
 17 here.

18 11.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 19 paragraph 11.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 20 Defendants deny the allegations in paragraph 11.2 to the extent they do not accurately reflect  
 21 the language of RCW 9A.82.100(1)(a).

22 11.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 23 paragraph 11.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 24 Defendants deny the allegations in paragraph 11.3 to the extent they do not accurately reflect  
 25 the language of RCW 9A.82.010(4).

26 11.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 27

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1 paragraph 11.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 2 Defendants deny the allegations in paragraph 11.4 to the extent they do not accurately reflect  
 3 the language of RCW 9A.82.010(12).

4 11.5. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 5 paragraph 11.5, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 6 Defendants deny the allegations in paragraph 11.5 to the extent they do not accurately reflect  
 7 the language of RCW 9A.82.060.

8 11.6. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 9 paragraph 11.6, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 10 Defendants deny the allegations in paragraph 11.6.

11 11.7. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 12 paragraph 11.7, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 13 Defendants deny the allegations in paragraph 11.7.

14 11.8. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 15 paragraph 11.8, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 16 Defendants deny the allegations in paragraph 11.8.

17 11.9. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 18 paragraph 11.9, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 19 Defendants deny the allegations in paragraph 11.9 to the extent they do not accurately reflect  
 20 the language of RCW 9A.82.080.

21 11.10. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 22 paragraph 11.10, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 23 Defendants deny the allegations in paragraph 11.10.

24 11.11. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 25 paragraph 11.11, so no response is required. *See* Dkt. 58. Defendants further respond that the  
 26 allegations in paragraph 11.11 are legal conclusions to which no response is required. To the

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1 extent a response is required, Defendants deny the allegations in paragraph 11.11.

2 11.12. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 3 paragraph 11.12, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 4 Defendants deny the allegations in paragraph 11.12.

5 11.13. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 6 paragraph 11.13, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 7 Defendants deny the allegations in paragraph 11.13.

8 11.14. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 9 paragraph 11.14, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 10 Defendants deny the allegations in paragraph 11.14.

11 11.15. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 12 paragraph 11.15, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 13 Defendants deny the allegations in paragraph 11.15.

14 11.16. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 15 paragraph 11.16, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 16 Defendants deny the allegations in paragraph 11.16.

17 11.17. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 18 paragraph 11.17, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 19 Defendants deny the allegations in paragraph 11.17.

20 11.18. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 21 paragraph 11.18, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 22 Defendants deny the allegations in paragraph 11.18.

23 11.19. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 24 paragraph 11.19, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 25 Defendants deny the allegations in paragraph 11.19.

26 11.20. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in

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1 paragraph 11.20, so no response is required. *See* Dkt. 58. To the extent a response is required,  
2 Defendants deny the allegations in paragraph 11.20.

3 11.21 The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
4 paragraph 11.21, so no response is required. *See* Dkt. 58. To the extent a response is required,  
5 Defendants deny the allegations in paragraph 11.21.

6 11.21.1. The Court's Order Granting Defendants' Motion to Dismiss moots the  
7 allegations in paragraph 11.21.1, so no response is required. *See* Dkt. 58. To the extent a  
8 response is required, Defendants deny the allegations in paragraph 11.21.1.

9 11.21.2. The Court's Order Granting Defendants' Motion to Dismiss moots the  
10 allegations in paragraph 11.21.2, so no response is required. *See* Dkt. 58. To the extent a  
11 response is required, Defendants deny the allegations in paragraph 11.21.2.

12 11.21.3. The Court's Order Granting Defendants' Motion to Dismiss moots the  
13 allegations in paragraph 11.21.3, so no response is required. *See* Dkt. 58. To the extent a  
14 response is required, Defendants deny the allegations in paragraph 11.21.3.

15 11.22. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
16 paragraph 11.22, so no response is required. *See* Dkt. 58. To the extent a response is required,  
17 Defendants deny the allegations in paragraph 11.22.

18 11.22.1. The Court's Order Granting Defendants' Motion to Dismiss moots the  
19 allegations in paragraph 11.22.1, so no response is required. *See* Dkt. 58. To the extent a  
20 response is required, Defendants deny the allegations in paragraph 11.22.1.

21 11.22.2. The Court's Order Granting Defendants' Motion to Dismiss moots the  
22 allegations in paragraph 11.22.2, so no response is required. *See* Dkt. 58. To the extent a  
23 response is required, Defendants deny the allegations in paragraph 11.22.2.

24 11.22.3. The Court's Order Granting Defendants' Motion to Dismiss moots the  
25 allegations in paragraph 11.22.3, so no response is required. *See* Dkt. 58. To the extent a  
26 response is required, Defendants deny the allegations in paragraph 11.22.3.

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1 11.23. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
2 paragraph 11.23, so no response is required. *See* Dkt. 58. To the extent a response is required,  
3 Defendants deny the allegations in paragraph 11.23.

4 12.1. Defendants incorporate their responses to paragraphs 1.1 through 11.23 as if fully stated  
5 here.

6 12.2. Defendants admit the allegations in the first sentence of paragraph 12.2. Defendants  
7 further admit that Chase holds Plaintiffs' original Note. Except as so admitted, Defendants  
8 deny the allegations in paragraph 12.2.

9 12.3. Defendants deny the allegations in paragraph 12.3.

10 12.4. Defendants deny the allegations in paragraph 12.4.

11 12.5. Defendants deny the allegations in paragraph 12.5.

12 12.6. Defendants deny the allegations in paragraph 12.6.

13 12.7. Defendants deny the allegations in paragraph 12.7.

14 12.8. Defendants deny the allegations in paragraph 12.8.

15 12.9. Defendants deny the allegations in paragraph 12.9.

16 12.10. Defendants deny the allegations in paragraph 12.10.

17 12.11. Defendants deny the allegations in paragraph 12.11.

18 13.1. Defendants incorporate their responses to paragraphs 1.1 through 12.11 as if fully stated  
19 here.

20 13.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
21 paragraph 13.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
22 Defendants deny the allegations in paragraph 13.2.

23 13.3. Defendants deny the allegations in paragraph 13.3.

24 13.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
25 paragraph 13.4, so no response is required. *See* Dkt. 58. To the extent a response is required,  
26 Defendants deny the allegations in paragraph 13.4 (including all subparts).

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1 13.5. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 2 paragraph 13.5, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 3 Defendants deny the allegations in paragraph 13.5 (including all subparts).

4 13.6. Defendants deny the allegations in paragraph 13.6.

5 13.7. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 6 paragraph 13.5 as to Freddie Mac, so no response is required. *See* Dkt. 58. To the extent a  
 7 response is required, Defendants deny the allegations in paragraph 13.5.

8 13.8. Defendants deny the allegations in paragraph 13.8 (including all subparts).

9 13.9. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 10 paragraph 13.9, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 11 Defendants deny the allegations in paragraph 13.9 (including all subparts).

12 13.10. Defendants deny the allegations in paragraph 13.10.

13 13.11. The Court found MERS is a valid "beneficiary" under Plaintiffs' Deed of Trust,  
 14 rendering the allegations in paragraph 13.11 moot. *See* Dkt. 58. To the extent a response is  
 15 required, Defendants deny the allegations in paragraph 13.11.

16 13.12. Defendants deny the allegations in paragraph 13.12.

17 14.1. Defendants incorporate their responses to paragraphs 1.1 through 13.12 as if fully stated  
 18 here.

19 14.2. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 20 paragraph 14.2, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 21 Defendants deny the allegations in paragraph 14.2.

22 14.3. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 23 paragraph 14.3, so no response is required. *See* Dkt. 58. To the extent a response is required,  
 24 Defendants deny the allegations in paragraph 14.3.

25 14.4. The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in  
 26 paragraph 14.4, so no response is required. *See* Dkt. 58. To the extent a response is required,

Defendants deny the allegations in paragraph 14.4.

14.5. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in paragraph 14.5, so no response is required. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 14.5.

14.6. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in paragraph 14.6, so no response is required. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 14.6.

14.7. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in paragraph 14.7, so no response is required. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 14.7.

14.8. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in paragraph 14.8, so no response is required. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 14.8.

15.1. Defendants incorporate their responses to paragraphs 1.1 through 14.8 as if fully stated here.

15.2. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in paragraph 15.2, so no response is required. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 15.2.

15.3. The Court’s Order Granting Defendants’ Motion to Dismiss moots the allegations in paragraph 15.3, so no response is required. *See* Dkt. 58. To the extent a response is required, Defendants deny the allegations in paragraph 15.3.

Responding to Plaintiffs' request for damages and equitable relief, Defendant responds that no relief is appropriate.

## APPENDIX I

The Court's Order Granting Defendants' Motion to Dismiss moots the allegations in

Appendix I. To the extent a response is required, Defendants respond as follows:

DEFS. CHASE HOME FINANCE, JPMORGAN CHASE BANK, MERS, AND FREDDIE MAC'S ANSWER AND AFFIRMATIVE DEFENSES TO AMENDED COMPLAINT (C11-01445) — 28  
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1 3.32.1. Defendants admit that on September 5, 2008, Plaintiffs faxed a hardship letter  
 2 and medical and financial documents, including tax returns, to Chase. Except as so admitted,  
 3 Defendants deny the allegations in paragraph 3.32.1.

4 3.32.2. Defendants lack sufficient information to form a belief as to the truth or falsity  
 5 of the allegations in paragraph 3.32.3 and on that basis, deny them.

6 3.32.3. Defendants admit the allegations in paragraph 3.32.3.

7 3.32.4. Defendants lack sufficient information to form a belief as to the truth or falsity  
 8 of the allegations in paragraph 3.32.4 and on that basis, deny them.

9 3.32.5. Defendants lack sufficient information to form a belief as to the truth or falsity  
 10 of the allegations in paragraph 3.32.5 and on that basis, deny them.

11 3.32.6. Defendants lack sufficient information to form a belief as to the truth or falsity  
 12 of the allegations in paragraph 3.32.6 and on that basis, deny them.

13 3.32.7. Defendants lack sufficient information to form a belief as to the truth or falsity  
 14 of the allegations in paragraph 3.32.7 and on that basis, deny them.

15 3.32.8. Defendants lack sufficient information to form a belief as to the truth or falsity  
 16 of the allegations in paragraph 3.32.8 and on that basis, deny them.

17 3.32.9. Defendants lack sufficient information to form a belief as to the truth or falsity  
 18 of the allegations in paragraph 3.32.9 and on that basis, deny them.

19 3.32.10. Defendants lack sufficient information to form a belief as to the truth or falsity  
 20 of the allegations in paragraph 3.32.10 and on that basis, deny them.

21 3.32.11. Defendants lack sufficient information to form a belief as to the truth or falsity  
 22 of the allegations in paragraph 3.32.11 and on that basis, deny them.

23 3.32.12. Defendants lack sufficient information to form a belief as to the truth or falsity  
 24 of the allegations in paragraph 3.32.12 and on that basis, deny them.

25 3.32.13. Defendants admit that Chase sent Plaintiffs loan modification paperwork dated  
 26 February 5, 2009. Defendants further respond that the loan modification paperwork dated

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1 February 5, 2009, speaks for itself. Defendants deny the allegations in paragraph 3.32.13 to the  
 2 extent they do not accurately reflect the entirety of the language in the loan modification  
 3 paperwork, dated February 5, 2009. Except as so admitted, Defendants deny the allegations in  
 4 paragraph 3.32.13.

5 3.32.14. Defendants lack sufficient information to form a belief as to the truth or falsity  
 6 of the allegations in paragraph 3.32.14 and on that basis, deny them.

7 3.32.15. Defendants lack sufficient information to form a belief as to the truth or falsity  
 8 of the allegations in paragraph 3.32.15 and on that basis, deny them.

9 3.32.16. Defendants admit that Chase sent Plaintiffs a letter dated February 20, 2011.  
 10 Defendants further respond that the letter speaks for itself. Defendants deny the allegations in  
 11 paragraph 3.32.16 to the extent they do not accurately reflect the entirety of the language in the  
 12 letter dated February 20, 2011. Defendants lack sufficient information to form a belief as to the  
 13 truth or falsity of the remaining allegations in paragraph 3.32.16 and on that basis, deny them.

14 3.32.17. Defendants admit that Plaintiffs returned some of the loan modification  
 15 documents untimely. Defendants further admit that Plaintiffs sent Chase a cashier's check for  
 16 \$3,400, and Defendants further respond that Chase declined the check. Defendants lack  
 17 sufficient information to form a belief as to the truth or falsity of the remaining allegations in  
 18 paragraph 3.32.17 and on that basis, deny them.

19 3.32.18. Defendants lack sufficient information to form a belief as to the truth or falsity  
 20 of the allegations in paragraph 3.32.18 and on that basis, deny them.

21 3.32.19. Defendants lack sufficient information to form a belief as to the truth or falsity  
 22 of the allegations in paragraph 3.32.19 and on that basis, deny them.

23 3.32.20. Defendants lack sufficient information to form a belief as to the truth or falsity  
 24 of the allegations in paragraph 3.32.20 and on that basis, deny them.

25 3.32.21. Defendants lack sufficient information to form a belief as to the truth or falsity  
 26 of the allegations in paragraph 3.32.21 and on that basis, deny them.

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1 3.32.22. Defendants lack sufficient information to form a belief as to the truth or falsity  
2 of the allegations in paragraph 3.32.22 and on that basis, deny them.

3 3.32.23. Defendants lack sufficient information to form a belief as to the truth or falsity  
4 of the allegations in paragraph 3.32.23 and on that basis, deny them.

5 3.32.24. Defendants lack sufficient information to form a belief as to the truth or falsity  
6 of the allegations in paragraph 3.32.24 and on that basis, deny them.

7 3.32.25. Defendants admit that Plaintiffs untimely executed the loan modification  
8 paperwork dated February 5, 2009. Defendants further admit that Chase declined the untimely  
9 cashier's check Plaintiffs sent for \$3,400. Defendants lack sufficient information to form a  
10 belief as to the truth or falsity of the remaining allegations in paragraph 3.32.25 and on that  
11 basis, deny them. Except as so admitted, Defendants deny the allegations in paragraph 3.32.25.

12 3.32.26. Defendants lack sufficient information to form a belief as to the truth or falsity  
13 of the allegations in paragraph 3.32.26 and on that basis, deny them.

14 3.32.27. Defendants lack sufficient information to form a belief as to the truth or falsity  
15 of the allegations in paragraph 3.32.27 and on that basis, deny them.

16 3.32.28. Defendants deny that Plaintiffs' Note was modified. Defendants lack sufficient  
17 information to form a belief as to the truth or falsity of the remaining allegations in paragraph  
18 3.32.28 and on that basis, deny them.

19 3.32.29. Defendants lack sufficient information to form a belief as to the truth or falsity  
20 of the allegations in paragraph 3.32.29 and on that basis, deny them.

21 3.32.30. Defendants admit the allegations in the first sentence of paragraph 3.32.30.  
22 Defendants lack sufficient information to form a belief as to the truth or falsity of the remaining  
23 allegations in paragraph 3.32.30 and on that basis, deny them.

24 3.32.31. Defendants lack sufficient information to form a belief as to the truth or falsity  
25 of the allegations in paragraph 3.32.31 and on that basis, deny them.

26  
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1 3.32.32. Defendants lack sufficient information to form a belief as to the truth or falsity  
2 of the allegations in paragraph 3.32.32 and on that basis, deny them.

3 3.32.33. Defendants lack sufficient information to form a belief as to the truth or falsity  
4 of the allegations in paragraph 3.32.33 and on that basis, deny them.

5 3.32.34. Defendants lack sufficient information to form a belief as to the truth or falsity  
6 of the allegations in paragraph 3.32.34 and on that basis, deny them.

7 3.32.35. Defendants lack sufficient information to form a belief as to the truth or falsity  
8 of the allegations in paragraph 3.32.35 and on that basis, deny them.

9 3.32.36. Defendants lack sufficient information to form a belief as to the truth or falsity  
10 of the allegations in paragraph 3.32.36 and on that basis, deny them.

11 3.32.37. Defendants admit they sent Plaintiffs Instructions for Forbearance Plan dated  
12 October 26, 2009. Defendants further respond that document speaks for itself. To the extent  
13 the allegations in paragraph 3.32.37 do not accurately reflect the contents of that document,  
14 Defendants deny the allegations.

15 3.32.38. Defendants lack sufficient information to form a belief as to the truth or falsity  
16 of the allegations in paragraph 3.32.38 and on that basis, deny them.

17 3.32.39. Defendants lack sufficient information to form a belief as to the truth or falsity  
18 of the allegations in paragraph 3.32.39 and on that basis, deny them.

19 3.32.40. Defendants admit that Chase sent Plaintiffs a letter dated January 18, 2010.  
20 Defendants further respond that the letter speaks for itself. To the extent the allegations in  
21 paragraph 3.32.40 do not accurately reflect the entirety of the contents of that letter, Defendants  
22 deny the allegations.

23 3.32.41. Defendants admit that Chase sent Plaintiffs an Acceleration Warning (Notice of  
24 Intent to Foreclose) dated January 29, 2010. Defendants further respond that the letter speaks  
25 for itself. To the extent the allegations in paragraph 3.32.41 do not accurately reflect the  
26 entirety of the contents of that letter, Defendants deny the allegations.

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1 3.32.42. Defendants lack sufficient information to form a belief as to the truth or falsity  
2 of the allegations in paragraph 3.32.42 and on that basis, deny them.

3 3.32.43. Defendants admit that Routh Crabtree Olsen sent Plaintiffs a letter dated August  
4 6, 2010. Defendants further respond that the letter speaks for itself. To the extent the  
5 allegations in paragraph 3.32.43 do not accurately reflect the entirety of the contents of the  
6 letter, Defendants deny the allegations.

7 3.32.44. Defendants lack sufficient information to form a belief as to the truth or falsity  
8 of the allegations in 3.32.44 and on that basis, deny them.

9 3.32.45. Defendants admit that Chase sent Plaintiffs a Rate Change Notice dated  
10 November 6, 2010, with an effective date of January 1, 2011. Defendants further respond that  
11 the Notice speaks for itself. To the extent the allegations in paragraph 3.32.45 do not  
12 accurately reflect the entirety of the contents of the Notice, Defendants deny the allegations.  
13 Defendants lack sufficient information to form a basis as to the truth or falsity of the remaining  
14 allegations in paragraph 3.32.45, and on that basis deny them.

15 3.32.46. Defendants lack sufficient information to form a belief as to the truth or falsity  
16 of the allegations in paragraph 3.32.46, and on that basis deny them.

17 3.32.47. Defendants lack sufficient information to form a belief as to the truth or falsity  
18 of the allegations in paragraph 3.32.47, and on that basis deny them.

19 3.32.48. Defendants lack sufficient information to form a belief as to the truth or falsity  
20 of the allegations in paragraph 3.32.48, and on that basis deny them.

21 3.32.49. Defendants lack sufficient information to form a belief as to the truth or falsity  
22 of the allegations in paragraph 3.32.49, and on that basis deny them.

23 3.32.50. Defendants lack sufficient information to form a belief as to the truth or falsity  
24 of the allegations in paragraph 3.32.50, and on that basis deny them.

25 3.32.51. Defendants lack sufficient information to form a belief as to the truth or falsity  
26 of the allegations in paragraph 3.32.51, and on that basis deny them.

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1 3.32.52. Defendants lack sufficient information to form a belief as to the truth or falsity  
2 of the allegations in paragraph 3.32.52, and on that basis deny them.

3 3.32.53. Defendants lack sufficient information to form a belief as to the truth or falsity  
4 of the allegations in paragraph 3.32.53, and on that basis deny them.

5 3.32.54. Defendants admit that Chase sent Plaintiffs a Rate Change Notice effective  
6 January 1, 2011, until the next adjustment date of June 1, 2011. Except as so admitted,  
7 Defendants deny the allegations in paragraph 3.32.54.

8 3.32.55. Defendants lack sufficient information to form a belief as to the truth or falsity  
9 of the allegations in paragraph 3.32.55, and on that basis deny them.

10 3.32.56. Defendants lack sufficient information to form a belief as to the truth or falsity  
11 of the allegations in paragraph 3.32.56, and on that basis deny them.

12 3.32.57. Defendants admit that Chase sent Plaintiffs a letter dated January 27, 2011,  
13 requesting additional documents for a loan modification application under the Making Home  
14 Affordable Loan Modification program. Defendants lack sufficient information to form a  
15 belief as to the truth or falsity of the remaining allegations in paragraph 3.32.57, and on that  
16 basis deny them.

17 3.32.58. Defendants lack sufficient information to form a belief as to the truth or falsity  
18 of the allegations in paragraph 3.32.58, and on that basis deny them.

19 3.32.59. Defendants admit that Northwest Trustee Services sent Plaintiffs a Notice of  
20 Postponement dated February 18, 2011. Defendants further respond that the Notice of  
21 Postponement speaks for itself, and Defendants deny the allegations in paragraph 3.32.59 to the  
22 extent they do not accurately reflect the entirety of the contents of the Notice. Except as so  
23 admitted, Defendants deny the allegations in paragraph 3.32.59.

24 3.32.60. Defendants lack sufficient information to form a belief as to the truth or falsity  
25 of the allegations in paragraph 3.32.60, and on that basis deny them.

1 3.32.61. Defendants lack sufficient information to form a belief as to the truth or falsity  
2 of the allegations in paragraph 3.32.61, and on that basis deny them.

3 3.32.62. Defendants lack sufficient information to form a belief as to the truth or falsity  
4 of the allegations in paragraph 3.32.62, and on that basis deny them.

5 3.32.63. Defendants admit the allegations in paragraph 3.32.63.

6 3.32.64. Defendants deny the allegations in paragraph 3.32.64.

7  
8 **Any allegation not otherwise responded to above is hereby denied.**

9 **II. AFFIRMATIVE DEFENSES**

10 Defendants set forth below their affirmative defenses. By setting forth these affirmative  
11 defenses, Defendants do not assume any burden of proof as to any fact issue or other element of  
12 any cause of action that properly belongs to Plaintiffs. Defendants reserve the right to amend  
13 or supplement their affirmative defenses.

14 **First Affirmative Defense**

15 Defendants rely on and reassert all defenses in any prior pleadings in this action,  
16 including those asserted in Defendants' previously filed motion to dismiss.

17 **Second Affirmative Defense**

18 Plaintiffs fail to state a claim against Defendants upon which relief can be granted.

19 **Third Affirmative Defense**

20 Plaintiffs' damages, if any, resulted in whole or in part from the fault of others,  
21 including Plaintiffs and non-parties.

22 **Fourth Affirmative Defense**

23 Plaintiffs' claims are barred in whole or in part because they assumed the risk they  
24 would not be able to make their mortgage payments.

25 **Fifth Affirmative Defense**

26  
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1 Plaintiffs' claims are barred in whole or in part by equitable principles, including but  
2 not limited to the doctrine of unclean hands, laches, waiver, doctrine of avoidable  
3 consequences, and/or estoppel.

4 **Sixth Affirmative Defense**

5 Plaintiffs' damages, if any, were proximately caused by their own negligence in  
6 exercising reasonable care for their financial obligations.

7 **Seventh Affirmative Defense**

8 Plaintiffs' damages, if any, are a direct result of Plaintiffs' breach of contract.

9 **Eighth Affirmative Defense**

10 Defendants are not liable to Plaintiffs because Plaintiffs' alleged injury was not caused  
11 by any reliance on Defendants' conduct or representations.

12 **Ninth Affirmative Defense**

13 Defendants' acts and practices are neither "unfair" nor "deceptive" under RCW 19.86 *et*  
14 *seq.*

15 **Tenth Affirmative Defense**

16 Defendants are not liable to Plaintiffs because Defendants did not engage in unfair or  
17 deceptive acts and practices under RCW 19.86 *et seq.* that proximately caused Plaintiffs'  
18 alleged injury.

19 **Eleventh Affirmative Defense**

20 Plaintiffs' claims are barred or limited in whole or in part by Plaintiffs' binding,  
21 voluntary agreement to the terms and conditions of the subject Deed of Trust.

22 **Twelfth Affirmative Defense**

23 Plaintiffs' claims are barred or limited in whole or in part because Defendants  
24 committed no violation of law.

25 **Thirteenth Affirmative Defense**

26 Plaintiffs' claims are preempted by the National Bank Act

## **Fourteenth Affirmative Defense**

Plaintiffs' CPA claims are barred under RCW 19.86.170

## **Fifteenth Affirmative Defense**

Plaintiffs' CPA claim is because Defendants' actions were undertaken under a good-faith belief in compliance with the law.

## **Sixteenth Affirmative Defense**

Plaintiffs' CPA claims are barred because Defendants' actions were reasonable in relation to the development and preservation of business, pursuant to RCW 19.86.920

Defendants reserve the right to amend their answer to state additional affirmative defenses as may become known in discovery.

### III. DEFENDANTS' REQUEST FOR RELIEF

1. That Plaintiffs' claims against Defendants be dismissed with prejudice;
  2. That the Court award Defendants' costs and attorneys' fees;
  3. That the Court award such other relief as is just and proper under the circumstances.

DATED this 7th day of May, 2012.

**Davis Wright Tremaine LLP**  
*Attorneys for Defendants JPMorgan Chase Bank,  
N.A.; Mortgage Electronic Registration Systems  
Inc.; and Federal Home Loan Corporation*

By *s/Fred B. Burnside*

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on May 7, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Heidi E. Buck**  
hbuck@rcolegal.com,tkwong@rcolegal.com,buck4343@gmail.com
- **John S Devlin , III**  
devlinj@lanepowell.com,Docketing-SEA@LanePowell.com,burrusl@lanepowell.com
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- **Andrew Gordon Yates**  
yatesa@lanepowell.com,docketing-sea@lanepowell.com,strayerd@lanepowell.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: N/A

DATED this 7th day of May, 2012.

Davis Wright Tremaine LLP  
Attorneys for Defendants JPMorgan Chase Bank,  
N.A.; Mortgage Electronic Registration Systems  
Inc.; and Federal Home Loan Corporation

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